

Application No.: 10/070,265
Filing Date.: February 25, 2002

REMARKS

Claim Objections

The Examiner objects to Claims 17, 18, 20, 21, 23, 24, 27, 28 and 31 due to cited informalities. The Examiner suggests replacing the phrase "purchase willing" with "purchase-willing" in the fifteenth and eighteenth lines of claims 17, 20 and 23. The Examiner suggests replacing the word "price" with "prices" in the fourth line of claims 18, 21 and 24. The Examiner suggests replacing the word "collects" with "collect" in the first line of claim 21. The Examiner suggests removing the word "price" in the third line of claim 27. The Examiner suggests replacing the word "of" with "from" in the second line of claim 28. The Examiner suggests replacing the word "answer" with "answerer" in the last line of claim 31. Applicants have amended the claims to include all of these suggestions.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejects Claims 17-31 as being indefinite for failing to particularly point out and distinctly claim the subject matter with applicant regards as the invention.

As per Claims 17, 18, 20, 21, 23, 24, 26 and 29 the Examiner states that the claim contains an action that is to be performed if a particular condition is present but does not state what action occurs if a particular condition is not present. Applicants have amended the phrases cited by the Examiner. For example, in Claim 17, the phrase "when the comparison indicate that an appropriate profit will not be generated" was replaced by the phrase "amount subsequent to the comparison indicating that an appropriate profit will not be generated." Applicants submit that the claims now definitively indicate the subject matter regarded as the invention.

Applicants additionally note that it is not necessary to amend the claims to include all possible method steps. *Smith & Nephew, Inc. v. Ethicon, Inc.*, states that "a claim is not defective when it states fewer than all of the steps that may be performed in practice of an invention." (276 F.3d 1304, 1311, 61 USPQ2d 1065, Fed. Cir. 2001).

For at least these reasons, Applicants respectfully request that this rejection be withdrawn.

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Additionally, the Examiner contends that it is unclear what is being referred to by the word "it" in Claims 17, 20 and 23. These claims have been amended to remove the word "it," thereby obviating this rejection.

Claim Rejections – 35 U.S.C. § 101

The Examiner rejects Claims 23-25 as being directed to non-statutory subject matter, contending that the claim is directed to a computer program, without the computer-readable medium needed to realize the computer program's functionality. The Examiner suggests that the word "computer-readable" be inserted in the first line of claim 23, that claim 23 be phrased in terms of a computer program which performs a series of steps, that the word "recorded" in Claim 24 be replaced with "computer-readable recording" and that the phrase "The system for collecting commodity specifications and related customer information" of Claim 25 be replaced with the phrase "The computer-readable recording medium recorded with a program." Applicants have amended the claims accordingly, and thus respectfully request that this rejection be withdrawn.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

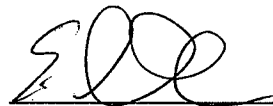
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

4/14/2003

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AMEND

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